

## COALITION FOR TOBACCO RESPONSIBILITY

A Group of Independent Blue Cross and Blue Shield Plans

**FOR IMMEDIATE RELEASE**  
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### **Blue Cross Blue Shield Coalition Wins Motion on Anti-Tobacco Lawsuit** ***Trial date set for January 10, 2000***

NEW YORK -- In a significant defeat for the tobacco industry, senior federal judge Jack B. Weinstein denied pleas by tobacco companies' to dismiss the lawsuit brought by Blue Cross and Blue Shield plans in the federal district court for the Eastern District of New York. Judge Weinstein set the trial date for January 10, 2000.

The plaintiffs in the suit are members of the Coalition for Tobacco Responsibility, an alliance of more than 50 independent Blue Cross and Blue Shield plans that came together to sue major tobacco companies in April 1998. The suit is likely to involve tens of billions of dollars in damages.

This ruling comes on the heels of a punitive damage award of \$50 million and recent remarks by President Clinton that the Department of Justice is preparing a lawsuit to recover tobacco-related health care costs paid by the federal government.

"The Blue Cross and Blue Shield plans filed this suit and two others in federal courts in Chicago and Seattle because of their concern for the heavy toll tobacco products have taken on smokers and nonsmokers alike," said Vincent FitzPatrick of Dewey Ballantine, one of the coalition's lead attorney's. "We believe that tobacco companies should be held accountable for the damage they have inflicted on the health of this nation -- damage that will continue for a generation. We are gratified that the judge has ruled that these matters should be determined appropriately and fairly in court."

The suits maintain that the industry concealed the addictive nature of smoking, and manipulated nicotine levels to increase the potential for addiction. They allege that the industry conspired to suppress the development and marketing of less harmful cigarettes and suppress the knowledge of the health risks of smoking. They are based on federal antitrust and Racketeer Influenced and Corrupt Organizations (RICO) statutes, state laws on consumer protection and fair business practices, and various common law tort claims. The antitrust and RICO claims are perhaps the largest claims of these types in U.S. history.

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